

SUPPLEMENTAL AMENDMENT UNDER 37 C.F.R. § 1.116
Appln. No. 09/674,643
Docket No. Q61622

REMARKS

Claims 1-2 and 15-36 are all the claims pending in the application. Claims 1 and 15 are independent claims.

In order to overcome the rejection under 35 U.S.C. §102 discussed below, all of the recitations of dependent claim 3 have been added to independent claim 1.

In addition, the language of dependent claim 2 has been amended slightly so that the language is consistent with the amendment of claim 1, and the dependency of claims 26, 27, and 32 have been amended so that its dependency is consistent with this amendment of claim 1.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 15-22 are allowed.

Rejections Under 35 U.S.C. § 102

Claims 1-3 and 23-36 are rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Nestell (US 5,925,020).

With respect to amended independent claim 1 (previously presented dependent claim 3), Applicant respectfully traverses this rejection at least because Nestell does not teach or suggest all of the claim's recitations.

Applicant respectfully requests the Examiner to withdraw the rejection of claim 1 at least because Nestell does not teach or suggest the claimed device having first and second links and first and second crank arms. The fact that the claimed invention includes two crank arms allows a health care worker to apply one finger on each of the crank arms when adjusting the device.

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In contrast, Nestell merely shows a needle point barrier with a single spring arm 32 (crank arm). Nestell at Figs. 1 & 4. Furthermore, assuming *arguendo* that the Examiner should chose to assert that the two portions of Nestell's link arm 38 located on either side of the slot 42 correspond to the crank arm, then Nestell's needle point barrier cannot include both first and second link arms.

There is also no suggestion to modify Nestell's needle point barrier so that it includes first and second links and first and second crank arms.

Therefore, Applicant respectfully requests the Examiner to withdraw the rejection of independent claim 1.

In addition, Applicant respectfully requests the Examiner to withdraw the rejection of dependent claims 2 and 23-36 at least because of their dependency from independent claim 1.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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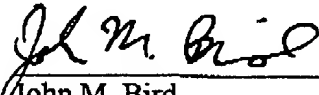
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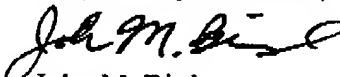
Date: February 24, 2004

CERTIFICATION OF FACSIMILE TRANSMISSION

Sir:

I hereby certify that the above identified correspondence is being facsimile transmitted to Examiner Roz Ghafoorian at the Patent and Trademark Office on February 24, 2004 at (703) 872-9306.

Respectfully submitted,


John M. Bird